

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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FURMAN GILMORE,

Petitioner,

vs

9:05-CV-1378

DONNA LEWIN, Superintendent,

Respondent.

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APPEARANCES:

OF COUNSEL:

FURMAN GILMORE  
Petitioner, Pro Se  
02-A-3979  
Hale Creek ASACTC  
P.O. Box 950  
Johnstown, NY 12095

HON. ANDREW M. CUOMO  
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State of New York  
Attorney for Respondent  
Department of Law  
120 Broadway  
New York, NY 10271

THOMAS B. LITSKY, ESQ.  
Asst. Attorney General

HON. DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Petitioner, Furman Gilmore, brought a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Report-Recommendation dated October 1, 2007, the Honorable David R. Homer, United States Magistrate Judge, recommended that the petition be denied. There have been no objections made to the Report-Recommendation.

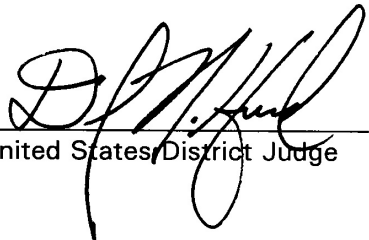
Accordingly, it is

ORDERED that the petition for a writ of habeas corpus is DENIED and  
DISMISSED in all respects

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: November 5, 2007  
Utica, New York.

  
United States District Judge